

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 774 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/12/2004 in WPMP No.32543 of 2004 in WP NO : 10378 OF 2001 on the file of the High Court.)

Between:

- 1 P.Hari Hara Prasad, s/o P.Venkateshwara Rao,
r/o IS-43, Irramanzil Colony, Hyderabad.
- 2 R.Dakshayani Devi, w/o P.Gangadhara Rao,
r/o IS-55, Irramanzil Colony, Hyderabad.
- 3 Dr.M.Gayathri, d/o M.Srinivas Rao,
r/o IS-13, Irramanzil Colony, Hyderabad.
- 4 V.Vijaya Lakshmi, w/o Pradeep Kumar,
r/o IS-51, Irramanzil Colony, Hyderabad.
- 5 I.Shiva Kumar, s/o I.Anjaneyulu,
r/o IS-47, Irramanzil Colony, Hyderabad.
- 6 S.K.Ranga Rao, s/o S.Gopala Krishnaiah,
r/o IS-46, Irramanzil Colony, Hyderabad.
- 7 B.V.Prakash, s/o B.Rama Chandra Rao,
r/o IS-42, Irramanzil Colony, Hyderabad.
- 8 K.Surendra Babu, s/o Venkateshwar Rao,
r/o IS-41, Irramanzil Colony, Hyderabad.
- 9 P.Vivekananda s/o Venkata Subba Rao,
r/o IS-05, Irramanzil Colony, Hyderabad.
- 10 A.S.Rukmangadara Rao, s/o A.S.Rao,
r/o IS-23, Irramanzil Colony, Hyderabad.
- 11 K.Sambasiva Rao, s/o Nallaiah,
r/o IS-260, Irramanzil Colony, Hyderabad.
- 12 P.Srinivasulu, s/o P.S.Rao,
r/o IS-04, Irramanzil Colony, Hyderabad.
- 13 Smt.M.V.Bharathi, w/o C.R.Prakash,
r/o IS-257, Irramanzil Colony, Hyderabad.
- 14 K.V.Vilasini, w/o B.Ashirvadam,
r/o IS-259, Irramanzil Colony, Hyderabad.
- 15 S.Srimannarayana, s/o S.R.K.Chary,

- r/o IS-148, Irramanzil Colony, Hyderabad.
- 16 G.Sridevi, w/o late A.S.Pathro,
r/o IS-105, Irramanzil Colony, Hyderabad.
- 17 Dr.E.A.Varalakshmi, w/o Subramanyam,
r/o IS-28, Irramanzil Colony, Hyderabad.
- 18 M.Waheedullah Baig, s/o M.Jafer Baig,
r/o IS-36, Irramanzil Colony, Hyderabad.
- 19 A.Sangameshwar Rao, s/o Venkateshwar Rao,
r/o IS-177, Irramanzil Colony, Hyderabad.
- 20 G.Suryanarayana, s/o Rajasekhara Rao,
r/o IS-139, Patigadda Colony, Hyderabad.
- 21 P.K.D.Nageshwar Rao, s/o late P.S.L.Achary,
r/o IS-262, Patigadda Colony, Hyderabad.
- 22 E.Kameshwar Rao, s/o E. Ammanna
r/o IS-133, Patigadda Colony, Hyderabad.
- 23 K.Uma Devi, wo K.S.Reddy,
r/o IS-35, Patigadda Colony, Hyderabad.
- 24 V.Gowri Shankar Rao, s/o V.Swamy Babu,
r/o B-07, Patigadda Colony, Hyderabad.
- 25 K.Venkataramaiah, s/o Krishna Murthy,
r/o IS-138, Patigadda Colony, Hyderabad.
- 26 G.Ranga Rao, s/o G.V.Rao,
r/o B-90, Patigadda Colony, Hyderabad.
- 27 A.Satyanarayana
r/o C9-139, Patigadda Colony, Hyderabad.
- 28 D.Ramana s/o late D.Ramjogi,
r/o Is-119, Patigadda Colony, Hyderabad.
- 29 S.Khaja Moinuddin,
r/o Patigadda Colony, Hyderabad.
- 30 S.G.P.V.Rama Raju, s/o S.V.V.Raju,
r/o IS-124, Patigadda Colony, Hyderabad.
- 31 K.Balarama Raju, s/o M.S.Raju,
r/o MC-393, Malakpet Colony, Hyderabad.
- 32 Smt.A.V.Lakshmi Rajhaym w/o B.Nageshwar Rao,
r/o C-68, Malakpet colony, Hyderabad.
- 33 K.V.Satyanarayana,
r/o MS-6, Malakpet Colony, Hyderabad.
- 34 J.Singaraiah, r/o MC-394, Malakpet Colony, Hyderabad.
- 35 K.Rajendra Kumar Moses, s/o K.M.Paramjyothi,
r/o MC-80, Malakpet Colony, Hyderabad.
- 36 M.V.Jyothirmayi, w/o K.V.Subba Rao,
r/o MC-279, Malakpet Colony, Hyderabad.
- 37 G.Venkateshwarlu, s/o late G.V.Swamy,
r/o MC-408, Malakpet Colony, Hyderabad.
- 38 M.S.R.Padma Kala, d/o M.J.Ratnam,
r/o C-74, Malakpet Colony, Hyderabad.
- 39 G.Geetha Devi, w/o G.Venugopal Rao,
r/o MC-214, Malakpet Colony, Hyderabad.
- 40 D.N.Jaya Raj, s/o D.Jacob,
r/o B-2, Malakpet Colony, Hyderabad.
- 41 K.Veera Swamy, s/o K.Venkatesh,
r/o D-131, Malakpet Colony, Hyderabad.

- 42 M.Vishalakshmi, w/o M.S.R.Murthy,
r/o C-143, Malakpet Colony, Hyderabad.
- 43 K.Rama Devi, w/o M.Raji Reddy,
r/o MC-381, Malakpet Colony, Hyderabad.
- 44 P.Manjula Devi, w/o E.Prabhakar Reddy,
r/o MC-92, Malakpet Colony, Hyderabad.
- 45 G.Seetharam Reddy, s/o G.Atchi Reddy,
r/o MC-238, Malakpet Colony, Hyderabad.
- 46 P.Nagarjuna Rao,
r/o MC-426, Malakpet Colony, Hyderabad.
- 47 G.Krishna Sai, s/o G.B.S.Sharma,
r/o MC-414, Malakpet Colony, Hyderabad.
- 48 A.Manik Rao, s/o A.Shwri,
r/o MC-39, Malakpet Colony, Hyderabad.
- 49 L.Rajendra Prasad, s/o late L.V.Subbaiah,
r/o MC-304, Malakpet Colony, Hyderabad.
- 50 J.Vasudeva Rao, s/o late J.V.Ratnam,
r/o MC-188, Malakpet Colony, Hyderabad.
- 51 Y.Krishna Vardhan Reddy, s/o Y.A.Reddy,
r/o MC-210, Malakpet Colony, Hyderabad.
- 52 S.R.N.Tagore, s/o S.B.Subbaiah,
r/o MS-52, Malakpet Colony, Hyderabad.
- 53 B.Bala Venkat Reddy, s/o B.Mysoora Reddy,
r/o MC-69, Malakpet Colony, Hyderabad.
- 54 K.Nagesh Kumar,
r/o MC-413, Malakpet Colony, Hyderabad.
- 55 G.Krishna Kumari,
r/o MC-155, Malakpet Colony, Hyderabad.
- 56 Syed Mohd.Hussain, s/o Shaik R.Mohd.Hussain,
r/o C-84, Malakpet Colony, Hyderabad.
- 57 M.Venkateshwarulu,
r/o MC-83, Malakpet Colony, Hyderabad.
- 58 Mohd.Ahmed Sharif, s/o late Ahmed Sharif,
r/o MC-223, Malakpet Colony, Hyderabad.
- 59 V.V.B.S.Prasad,
r/o C-34, Malakpet Colony, Hyderabad.
- 60 M.Vijayawani,
r/o C-33, Malakpet Colony, Hyderabad.
- 61 Syed Hasnuddin,
r/o C-39, Malakpet Colony, Hyderabad.
- 62 M.Satyanarayana Rao,
r/o MC-214, Malakpet Colony, Hyderabad.

..... APPELLANTS

AND

- 1 The Government of Andhra Pradesh rep., by its Principal secretary, Transport, Roads & Buildings, Secretariat, Hyderabad.
- 2 The District Collector, Hyderabad, Nampally Station Road, Hyderabad.
- 3 The Mandal Revenue Officer, Golconda, Hyderabad.
- 4 The Estate Officer, Office of the Campus of Superintendent Engg.(R&B), Head Quarters Circle, Near Meera Talkies, Lakdikapool, Hyderabad.
- 5 The Chief Engineer (R&B) Buildings, Erramanzil, Hyderabad-82.

6 M.Subba Raju, Personal Assistant to Minister for Housing r/o Quarters No.IC- 96, Erramanzil, Hyderabad.

7 C.Rama Narayana Reddy, s/o C.Bali Reddy,
2 kt, government Quarter No.MC 219, Malakpet, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants: M/S C.KODANDA RAM

Counsel for the Respondent No.1 to 3: GP FOR TRANSPORT

Counsel for the Respondent No6: MR M.V. RAMANA REDDY

Counsel for the Respondent No7: MR S. RAJESWARA REDDY

Counsel for the Respondent No 4 & 5: GP FOR ROADS AND BUILDINGS

The Court at the admission stage made the following :

JUDGMENT: (per Honourable Smt. Justice T. Meena Kumari)

This writ appeal is filed by the appellants herein aggrieved by the order passed by this Court in WPMP NO.32543 of 2004 in W.P.No.10378 of 2001, dated 30.12.2004.

The appellants herein are the writ petitioners.

Originally, the writ petitioners filed W.P.No.10378 of 2001 seeking a direction in the nature of writ of mandamus to direct the respondents to consider alienation of the respective quarters in which they are residing, in their favour. The learned Single Judge having directed the employees, who were retired, to vacate the respective quarters on or before 30th June, 2005, has made it clear that the cases of the persons who are in service, for permanent alienation shall be considered by the authorities within a period of six months while granting liberty to the petitioners to make appropriate representation, which will be considered on merits. Having aggrieved by the same, the employees, who were retired, have moved an application in W.P.M.P.No:32543 of 2004 seeking clarification and the learned Single Judge granted liberty to all the petitioners herein to make appropriate representation which will be considered on merits and disposed of the same with regard to the allotment of quarters irrespective of the fact as to whether they were retired or not. Hence, the present appeal.

Heard the learned Counsel on either side.

We have perused the order impugned and the entire material available on record.

The learned Counsel for the petitioners contended that in view of the certain policy of the Government, the petitioners, who have already retired from service, and are continuing in the respective quarters, are also entitled for permanent alienation of

the respective quarters in their favour and therefore, the order of the learned single Judge, directing the petitioners, who have already retired from service, to vacate the premises on or before 30.6.2005, amounts to discrimination.

A perusal of the order of the learned single Judge goes to show that the employees, who are in service, are given liberty to make a representation to the Government for alienation of the quarters occupied by them and it is for the Government to consider the same on its own merits. However, it is made clear in the order impugned that the petitioners, who were retired, shall vacate their respective quarters on or before 30.6.2005. Having aggrieved by the same, the employees who were retired, have moved an application in W.P.M.P.No:32543 of 2004 seeking clarification and on that, the learned single Judge has passed the following order:

“It is clarified that it shall be open for all the petitioners herein to make appropriate representation which will be considered on merits and disposed of the same with regard to the allotment of quarters irrespective of the fact as to whether they have retired or not”

In the present facts and circumstances of the case and in view of the fact that some of the employees, who have retired from service, are continuing in the respective quarters, which are under the control of the Government, We feel that the petitioners, who were retired and ceased to be an employee, cannot claim or demand the Government as a matter of right to order for alienation of the Government quarters in spite of existence of policy to that effect. In this view of the matter, while confirming the order of the learned single Judge, we feel it appropriate to modify the order impugned by clarifying that the petitioners, who were retired, are directed to vacate the respective quarters, in which they are now continuing after retirement, within a period of six months from today.

At this stage, it is brought to the notice of this Court that the quarter occupied by the 9th petitioner, who was retired, has already been allotted to one of the employees. In view of this submission, We made it clear that the time granted to the petitioners, who were retired, to vacate the quarters, will not ensure in case of the 9th petitioner.

Subject to the above modification, the Writ appeal is disposed of. No order as to costs.

Justice T.Meenakumari

Justice L. Narasimha Reddy

Dated: 5th April, 2005.

Nn.

Copy to:

- 1 The Principal Secretary, Government of Andhra Pradesh, Transport, Roads & Buildings, Secretariat, Hyderabad.
- 2 The District Collector, Hyderabad, Nampally Station Road, Hyderabad.
- 3 The Mandal Revenue Officer, Golconda, Hyderabad.
- 4 The Estate Officer, Office of the Campus of Superintendent Engg.(R&B), Head Quarters Circle, Near Meera Talkies, Lakdikapool, Hyderabad.
- 5 The Chief Engineer (R&B) Buildings, Erramanzil, Hyderabad-82.
6. Two C.Cs to G.P. for Transport, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)
7. Two C.Cs to G.P. for Roads and Buildings, High Court of A.P., Hyderabad. (O.U.T.)
8. Two C.D. Copies.